

Notice of Allowability	Application No.	Applicant(s)	
	09/932,808	IANNACCI, GREGORY FX	
	Examiner	Art Unit	
	Jennifer Liversedge	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/12/2007.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's amendment and request for continued examination Application 09/932,808 filed on September 12, 2007.

The amendment contains amended claims: 1-6, 8-22, 25-27

The amendment contains previously presented claims: 7

The amendment contains original claims: 23-24

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 12, 2007 has been entered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with Gregory Fx Iannacci on October 22, 2007 and October 24, 2007.

Claim 1 steps (b), (c) and (d) are amended to read:

(b) Conducting a real time scan of benefit resources, said resources comprising at least one **** previously unknown **** resource proffering **** ~~[a]~~ at least one **** benefit element ****~~[previously unknown]~~**** to said user, upon receipt of said request to produce an incentive-controlled transaction solution;

(c) dynamically matching said user's ****said at least one**** declared benefit preference ****~~[s]~~**** to the result of said real time scan; and

(d) Automatically effecting an incentive-controlled transaction solution adapted to maximize the implementation of said user's said **** at least one**** declared benefit preference ****~~[s]~~****.

Claim 3 is amended to read:

The method of claim 2 wherein **** ~~[any optimal function or multivariable data modeling means]~~ calculating operations based on established value standards **** are employed in determining the value rankings of said matched benefit elements and said transaction solution.

Claim 9 is amended to read:

The method of claim 2 further comprising the step of automatically establishing such electronic and logical linkages as may be required to enable said user to process said transaction solution and to acquire said ****at least one**** benefit element ****~~[s]~~**** associated with said transaction solution.

Claim 10 is amended to read:

The method of claim 2 further comprising the additional steps of automatically securing and/or activating transaction settlement means and of satisfying applicable conditions to process said transaction solution to acquire for said user the said ****at least one**** benefit element ****[s]**** associated with said transaction solution.

Claim 11 is amended to read:

The method of claim 2 wherein said step of determining a transaction solution comprises a selection by said user from ****[among a plurality of] at least one **** proposed transaction solution ****[s]**** disclosed to said user.

Claim 12 is amended to read:

The method of claim 1 further comprising the additional steps of creating an aggregated catalog of declared and ranked benefit preferences input from a plurality of requests involving a plurality of identified users and of operating on said aggregated catalog of benefit preferences to effect a dynamic enhancement in the ****[potential]**** value of at least one of said matched benefit elements to at least one of said identified users.

Claim 25, step (i) v. is amended to read:

Perform ****a**** real time scan ****[s]**** of benefit resources, including at least one ****previously unknown**** benefit resource proferring ****[a] at least one**** benefit

element **~~**[previously unknown]**~~** to a user upon submitting a request to process a transaction, upon system receipt of a request to process a transaction concerning said user;

Claim 26, step (e) is amended to read:

Means for processing a transaction adapted to dynamically match a user's at least one declared benefit preference against a real time scan of benefit resources, including at least one **~~**previously unknown**~~** benefit resource preferring **~~**[a] at least one**~~** benefit element **~~**[previously unknown]**~~** to said user upon submitting a request to process a transaction, upon system receipt of a request to process a transaction concerning said user;

The preamble of claim 27 is amended to read:

A computer-readable storage medium encoded with **~~** computer executable **~~** instructions **~~** to create and employ **~~** incentive-controlled transaction solutions by dynamically selecting the means for processing a transaction based on user-declared preferred benefits, said **~~** computer executable **~~** instructions, **~~** when executed by the computer,**~~** perform the steps of:

Claim 27 step (e) is amended to read:

processing a transaction including dynamically matching a user's at least one declared benefit preference against a real time scan of benefit resources, including at

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least one *****previously unknown***** benefit resource proffering *****[a] at least one***** benefit element *****[previously unknown]***** to said user upon submitting a request to process a transaction, upon system receipt of a request to process a transaction concerning said user;

Allowable Subject Matter

Claims 1-27 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art fails to teach or suggest the limitations of the independent claims.

Independent claim 1 discloses an incentive-controlled method for use in the acquisition and/or exchange of user-declared preferred benefits, the method employing computer means having data storage means and network communications means and comprising the steps of:

Receiving a request to produce an incentive-controlled transaction solution for an identified user having at least one declared and ranked benefit preference;

Conducting a real time scan of benefit resources, said resources comprising at least one previously unknown resource proffering at least one benefit element to said user, upon receipt of said request to produce an incentive-controlled transaction solution;

Dynamically matching said user's declared benefit preferences to the result of said real time scan; and

Automatically effecting an incentive-controlled transaction solution adapted to maximize the implementation of said user's said at least one declared benefit preference.

Independent claim 25 discloses a system for creating and employing incentive-controlled transaction solutions by dynamically selecting the means for processing a transaction based on user-declared preferred benefits, said system comprising:

A processor; input, output, clock, logic and control devices connected to the processor; a memory storing instructions to control the operation of the processor; communications device and data storage devices connected to the processor;

The processor operative with the instructions in memory to:

Record data of users, benefits elements, transaction solutions, and transactions;

Record the user entry and ranking of at least one declared benefit preference;

Receive requests to process transactions;

Enable information to be available to users;

Perform a real time scan of benefit resources, including at least one previously unknown benefit resource proffering at least one benefit element to a user upon submitting a request to process a transaction, upon system receipt of a request to process a transaction concerning the user;

Conduct automatic evaluations and rankings of at least one available benefit element based on a said user's declared and ranked benefit preference and on a said scanning of benefit resources;

Produce at least one incentive-controlled transaction solution;

Conduct automatic evaluations and rankings of at least one transaction solution based on a user's declared and ranked benefit preference and on a said scanning of benefit resources;

Process transaction solutions with and without user intervention;

Disclose information to users;

Consume transactions; and

Receive, record, evaluate, and store user information and transaction activity.

Independent claim 26 discloses a system for creating and employing incentive-controlled transaction solutions by dynamically selecting the means for processing a transaction based on user-declared preferred benefits, said system comprising:

Means for recording data of users, benefit elements, transaction solutions, and transactions;

Means for recording the user entry and ranking of at least one declared benefit preference;

Means for receiving requests to process transactions;

Means for enabling user access to information;

Means for processing a transaction adapted to dynamically match a user's at least one declared benefit preference against a real time scan of benefit resources, including at least one previously unknown benefit resource proffering at least one

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benefit element to said user upon submitting a request to process a transaction, upon system receipt of a request to process a transaction concerning said user;

Means for conducting automatic evaluations and rankings of at least one available benefit element based on said user's declared and ranked benefit preference and on a said scanning of benefit resources;

Means for producing at least one incentive-controlled transaction solution;

Means for conducting automatic evaluations and rankings of at least one transaction solution based on a user's declared and ranked benefit preferences and on a said scanning of benefit resources;

Means for processing transaction solutions with and without user intervention;

Means for disclosing information to users;

Means for consummating transactions; and

Means for receiving, recording, evaluating, and storing user information and transaction activity.

Independent claim 27 discloses a computer-readable storage medium encoded with computer executable instructions to create and employ incentive-controlled transaction solutions by dynamically selecting the means for processing a transaction based on user-declared preferred benefits, said computer executable instructions, when executed by the computer, perform the steps of:

Recording data of users, benefit elements, transaction solutions, and transactions;

Recording the user entry and ranking of at least one declared benefit preference;

Receiving requests to process transactions;

Enabling user access to information;

Processing a transaction including dynamically matching a user's at least one declared benefit preference against a real time scan of benefit resources, including at least one previously unknown benefit resource proffering at least one benefit element to said user upon submitting a request to process a transaction, upon system receipt of a request to process a transaction concerning said user;

Processing automatic evaluations and rankings of at least one available benefit element based on a said user's declared and ranked benefit preferences and on a said scanning of benefit resources;

Enabling the production of at least one incentive-controlled transaction solutions;

Processing automatic evaluations and rankings of at least one transaction solution based on a user's declared and ranked benefit preferences and on a said scanning of benefit resources;

Processing transaction solutions with and without user intervention;

Disclosing information to users;

Consummating transaction; and

Receiving, recording, evaluating, and storing user information and transaction activity.

The primary difference between the claimed invention and the prior art is the real time scanning of benefit resources wherein the benefit resources comprise at least one previously unknown resource proffering a benefit element to the user, and wherein an incentive-controlled transaction solution is automatically adapted to maximize the implementation of a user's said declared benefit preferences.

US Patent 5,477,040 to Lalonde discloses a universal charge card selector card, in which a user can store information for a number of credit cards on the universal card. The user further defines preferences for benefits to be obtained when using the card, where preferences may be well known benefits such as interest rates, promotions, etc. When the user conducts a transaction, the universal card reviews the offers available to the user for the cards that the user has available and stored on the universal card and, based on the user's defined preferences for benefits, makes a selection as to which card to use in order to maximize the benefits. However, Lalonde does not disclose where the universal card selector searches for benefits from a source where the source offering the benefit element was previously unknown to the user, and then automatically taking the steps in order to effect the transaction using the previously unknown resource which maximizes the benefits. Lalonde discloses searching for benefits from among known resources offering benefits, and further since the resources are already available to the user, there is no need to take steps to conduct the transaction as would be the case when a new and previously unknown resource is identified as the solution for maximum benefits.

Walker, in US Patent 5,945,653, discloses the use of functions to effect credit card transactions such that discounts, rebates, special purchase options, etc. can be offered when the customer engages in a transaction. However, the benefits are obtained based on a credit card that the user already has access to and is presenting at the point of sale. Therefore, while the benefit to be obtained is unknown, the benefit is not based on user defined preferences and the benefits are not associated with a resources unknown to the user at the time of the transaction. Further, since the resources are already available to the user, there is no need to take steps to conduct the transaction as would be the case when a new and previously unknown resource is identified as the solution for maximum benefits.

Similarly to Lalonde, US Pub No. 2002/0069122 A1 to Yun et al. discloses a method of selecting a credit card to use for a transaction based on a set of user credit cards and ranked preferences in order to maximize benefits. As in Lalonde, Yun does not disclose where the universal card selector searches for benefits from a source where the source offering the benefit element was previously unknown to the user, and then automatically taking the steps in order to effect the transaction using the previously unknown resource which maximizes the benefits. Yun discloses searching for benefits from among known resources offering benefits, and further since the resources are already available to the user, there is no need to take steps to conduct the transaction

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as would be the case when a new and previously unknown resource is identified as the solution for maximum benefits.

Non-patent literature discusses maximizing travel preferences in "Biztravel.com: Biztravel .com delivers hot travel news direct to desktop; free service gives road warriors fast, personalized access to key industry data", in Business Wire. Business Wire discloses maximizing travel preferences, from amongst maximizing frequent flier miles, obtaining the lowest airfares, etc. However, Business Wire does not disclose where the benefits are tied to credit card use where a resource previously unknown was selected to maximize user benefits.

Additional non-patent literature "Financial product menu service being expanded" by Jennifer Kingson Bloom discloses a web site consumers can visit or a phone number that consumer can call to rank their preferences in credit card rewards or services and then the database presents card applications for those that most closely match. However, Bloom does not disclose automatically searching sources for rewards at the time of a transaction and automatically effecting the transaction using the identified card resource that maximizes user benefits.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at 571-272-6702. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Liversedge

Examiner

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